UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,189	08/18/2003	Clifton Lind	988.1041	3668

35236	7590	12/30/2004

THE CULBERTSON GROUP, P.C.
1114 LOST CREEK BLVD.
SUITE 420
AUSTIN, TX 78746

EXAMINER
NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 July 2003_.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _6/1/04; 8/19/04_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: _IDS: 8/18/03_.

DETAILED ACTION

1.   The disclosure is objected to because of the following informalities:

In the specification, page 1, line 8, the parent application, i.e., 10/624279, should

be updated. Appropriate correction is required.

2.   Claims 1, 10, 11, 19, and 21-24 are objected to because of the following

informalities:

In the preamble of claims 1, 10, and 19, the recited word "including" should be

changed to "comprising".

In claims 11 and 21-24, line 1, the phrase "further including" should be changed

to "further comprising".

Appropriate correction is required.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In claim 1, the recited phrase "the player monitoring arrangement" (lines 7-8)

lacks antecedent basis.

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-3, 7-12, 14, 15, and 19-23 are rejected under 35 U.S.C. 102(b) as being

anticipated by Wain (4,335,809).

Wain teaches a gaming system and method (or computer program imbedded in a

computer readable medium for performing the steps thereto) comprising: a number of

gaming machines (Fig.1), each gaming machine including a respective game

presentation arrangement capable of producing any one of a number of unrelated game

presentations (2:11-21); a system configuration arrangement for producing system

configuration commands; a game modification controller in communication with the

player monitoring arrangement and with each respective gaming machine, the game

modification controller for receiving system configuration commands from the system

configuration arrangement and for communicating presentation switching instructions to

one or more of the gaming machines in response to the system configuration

commands, the presentation switching instructions causing the respective gaming

machine to switch from a first game presentation to a second game presentation (5:27-

6:67); system configuration arrangement includes a manual interface through which

configuration commands may be manually initiated (6:12-47; 4:54-5:11; 7:37-45);

system configuration arrangement includes a player monitoring arrangement for

producing configuration commands based at least partially upon player characteristics (usage level); player monitoring arrangement includes a player preference tracking controller for producing configuration commands based at least partially upon actual preferences for one or more players in a gaming facility including one or more gaming machines (depending on usage level)(7:13-22); a player data collection arrangement for making individual player-related data available to the player preference tracking controller (tracking machine usage from player); player monitoring arrangement includes a player interface controller for producing configuration commands based at least partially upon communications with one or more players (7:1-32); producing a system configuration command; and in response to the system configuration command, switching a game presentation at one or more gaming machines in the system from a first game presentation to a second game presentation unrelated to the first game presentation (7:1-32); producing presentation switching instructions in response to the system configuration command and communicating the presentation switching instructions to the one or more gaming machines to effect switching the game presentation at one or more gaming machines in the system from the first game presentation to the second game presentation; receiving manual system configuration inputs through a system management interface; producing location information indicating the location of one or more players in a gaming facility including one or more of the gaming machines; and producing the system configuration command based at least partially upon the location information (3:16-61); transmitting gaming information to a particular player using one of the gaming machines through the respective gaming

machine; receiving a player response from the player; and producing the system

configuration command based at least partially upon the player response from the

player (3:17-29); wherein the step of transmitting gaming information includes

transmitting information on an additional game presentation different from the game

presentation currently offered at the gaming machine used by the particular player, and

providing the particular player an opportunity to select the additional game presentation

(after switched game); system configuration program code for producing a system

configuration command; and presentation switching program code for responding to the

system configuration command by switching a game presentation at one or more

gaming machines in the system from a first game presentation to a second game

presentation unrelated to the first game presentation (6:33-7:23); wherein the

presentation switching program code include presentation switching instruction program

code for producing presentation switching instructions in response to the system

configuration command and transmitting the presentation switching instructions to the

one or more gaming machines to effect the switch of the game presentation at one or

more gaming machines in the system from the first game presentation to the second

game presentation; system management interface program code for producing an

interface for receiving manual system configuration inputs and producing the system

configuration command in response to the manual system configuration inputs; player

location controller program code for producing the system configuration command

based at least partially upon player location information; player interaction program

code for transmitting gaming information to a particular player using one of the gaming

machines through the respective gaming machine, receiving a player response from the

player, and producing the system configuration command based at least partially upon

the player response from the player (5:21-7:45).

7.   Claims 1-4 and 7-24 are rejected under 35 U.S.C. 102(b) as being anticipated by

Itkis (4,856,787).

Itkis teaches a gaming system and method (or computer program imbedded in a

computer readable medium for performing the steps thereto) comprising: a number of

gaming machines (Fig.1), each gaming machine including a respective game

presentation arrangement capable of producing any one of a number of unrelated game

presentations (2:4-27); a system configuration arrangement for producing system

configuration commands; a game modification controller in communication with the

player monitoring arrangement and with each respective gaming machine, the game

modification controller for receiving system configuration commands from the system

configuration arrangement and for communicating presentation switching instructions to

one or more of the gaming machines in response to the system configuration

commands, the presentation switching instructions causing the respective gaming

machine to switch from a first game presentation to a second game presentation

(playing different games, i.e., poker, bingo, keno); the system configuration

arrangement includes a manual interface through which configuration commands may

be manually initiated (1:41-53;2:4-27; 2:48-51); system configuration arrangement

includes a player monitoring arrangement for producing configuration commands based

at least partially upon player characteristics (player preferred game or game level);

player monitoring arrangement includes: a player location tracking controller (smart card

reader)(1:54-2:3) for producing configuration commands based at least partially upon

the location of a player; and a player location determining arrangement for determining

the location of the player in a gaming facility including one or more of the gaming

machines; the player monitoring arrangement includes a player preference tracking

controller for producing configuration commands based at least partially upon actual or

postulated player preferences (game type or game level) for one or more players in a

gaming facility including one or more gaming machines; a player data collection

arrangement for making individual or group player-related data available to the player

preference tracking controller; a player interface controller (via card reader) for

producing configuration commands based at least partially upon communications with

one or more players (playing bingo or keno); producing a system configuration

command; and in response to the system configuration command, switching a game

presentation at one or more gaming machines in the system from a first game

presentation to a second game presentation unrelated to the first game presentation

(2:4-27); producing presentation switching instructions in response to the system

configuration command and communicating the presentation switching instructions to

the one or more gaming machines to effect switching the game presentation at one or

more gaming machines in the system from the first game presentation to the second

game presentation; producing the system configuration command includes receiving

manual system configuration inputs through a system management interface; producing

location information indicating the location of one or more players in a gaming facility

including one or more of the gaming machines; and producing the system configuration

command based at least partially upon the location information (via smart card reader);

transmitting gaming information to a particular player using one of the gaming machines

through the respective gaming machine; receiving a player response from the player;

and producing the system configuration command based at least partially upon the

player response from the player; transmitting gaming information includes transmitting

information on an additional game presentation different from the game presentation

currently offered at the gaming machine used by the particular player, and providing the

particular player an opportunity to select the additional game presentation; receiving

player preference data associated with a player; and producing the system configuration

command based at least partially upon the player preference data; receiving player

profile data for a player profile matched by the player; receiving historical system activity

data collected for the player (5:15-32); producing a system configuration command; and

presentation switching program code for responding to the system configuration

command by switching a game presentation at one or more gaming machines in the

system from a first game presentation to a second game presentation unrelated to the

first game presentation (selecting game to be played)(Fig.5); switching instruction

program code for producing presentation switching instructions in response to the

system configuration command and transmitting the presentation switching instructions

to the one or more gaming machines to effect the switch of the game presentation at

one or more gaming machines in the system from the first game presentation to the

second game presentation; system management interface program code for producing

an interface for receiving manual system configuration inputs and producing the system

configuration command in response to the manual system configuration inputs (operator

inputs)(Fig.6; 4:16-46) ; player interaction program code for transmitting gaming

information to a particular player using one of the gaming machines through the

respective gaming machine, receiving a player response from the player, and producing

the system configuration command based at least partially upon the player response

from the player; and player preference controller program code for accessing player

preference data associated with a player and producing the system configuration

command based at least partially upon the player preference data (4:16-6:11).

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Itkis as applied to claims 1-4 above, and further in view of Sizer et al. (5,923,252).

Itkis teaches all limitations of claims 1-4. Itkis does not explicitly teach the

limitations of player location determining arrangement includes a signal reading device

for remotely reading identifying information carried by the player or remotely receiving

identifying signals originating from a device carried by the player (claim 5); a number of

signal reading devices for remotely receiving identifying signals originating from a

device carried by the player; and a signal timing analyzing device for analyzing the timing between the identifying signals received by the number of signal reading devices to determine the location of the player (claim 6).

Sizer et al., however, teaches a detection system comprising a player location determining arrangement includes a signal reading device for remotely reading identifying information carried by the player or remotely receiving identifying signals originating from a device carried by the player (6:4-17); a number of signal reading devices for remotely receiving identifying signals originating from a device carried by the player; and a signal timing analyzing device for analyzing the timing between the identifying signals received by the number of signal reading devices to determine the location of the player (6:18-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the detection system of Sizer et al. to the gaming network of Itkis to provide an effective gaming advertisement in the casino that would attract more game players thus bring forth profits.
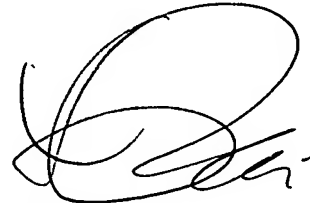
10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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XUAN M. THAI
PRIMARY EXAMINER